

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:09-CR-00054-F-1

UNITED STATES OF AMERICA

v.

DONNELL COPPEDGE,
Defendant.

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ORDER

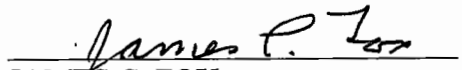
This matter is before the court on Donnell Coppedge's Motion for Reconsideration Reduction Post-Sentencing Rehabilitation Programming [DE-276]. In his motion, Coppedge requests a reduction in his sentence based on the rehabilitation programs he has completed while incarcerated.

In support of his claim for a sentence reduction, Coppedge cites to *Pepper v. United States*, 562 U.S. 476 (2011). *Pepper* held that "when a defendant's sentence has been set aside on appeal and his case remanded for resentencing, a district court may consider evidence of a defendant's rehabilitation since his prior sentencing and that such evidence may, in appropriate cases, support a downward variance from the advisory Guidelines range." 562 U.S. at 490. In this case, *Pepper* is not applicable because Coppedge's sentence has not been set aside.

In light of the foregoing, Coppedge's Motion for Reconsideration Reduction Post-Sentencing Rehabilitation Programming [DE-276] is DENIED.

SO ORDERED.

This, the 10 day of March, 2016.


JAMES C. FOX
Senior United States District Judge